

**EXHIBIT L**  
**Captain Bolton's Supplemental Report**

**Supplemental Report  
of  
Captain Bolton  
For Blank Rome LLP  
  
Stepski V. Norasia Alya**

The following is hereby appended to my original report dated 6 May 2008.

The *Norasia Alya* was not carrying "Evergreen" labeled containers

Mr. Geal Roderick, one of *Ava Claire*'s crew members, stated in his deposition testimony that, as the vessel that collided with them passed by, he sighted a container with an "Evergreen" label on the vessel's deck.<sup>1</sup>

In order to determine if an "Evergreen" container was aboard the *Norasia Alya* on Voyage No 413, from Deham to New York, I consulted the "Bureau International Des Containers et du Transport Intermodal"<sup>2</sup> to determine the applicable container codes for entities with the word "Evergreen" in their name. They are: EGHU EISU EMCU and HMCU. These codes were then checked against the "List of Loaded Container." None of the Evergreen codes are listed. Thus, there were no Evergreen containers on board the *Norasia Alya*.

Captain Kowalewski's response to the Coast Guard's "Urgent Marine Information Broadcast" was appropriate.

Around 14:00 Captain Kowalewski received an, "Urgent Marine Information Broadcast" on VHF Channel 16 indicating that the Coast Guard was receiving an emergency signal from an EPIRB identified with the fishing vessel *Ava Claire* in position 40-32.0N and 071-41.7W. The message asked all mariners to keep a sharp lookout, assist if possible and report all sightings. The message was neither a Pan-Pan nor a Mayday message<sup>3</sup>, and it did not request that any vessel in the area divert to the EPIRB position.

<sup>1</sup> Geal Roderick deposition page 170:13-19

<sup>2</sup> [www.bic-code.org/html-gb/bic\\_code1.asp](http://www.bic-code.org/html-gb/bic_code1.asp)

<sup>3</sup> A "Pan-Pan" message indicates that a safety problem possibly exists, but does not necessarily require that vessels receiving the message divert to render assistance. A "Mayday" message, however, requires vessels to immediately divert and render assistance if possible.

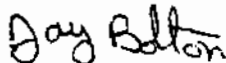
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Note that by the time the message was received on the *Norasia Alya*, the Coast Guard SAR helicopter was already enroute to the site.<sup>4</sup>

Captain Kowalewski knew that there were at least two other vessels closer to the reported position than the *Norasia Alya*<sup>5</sup> and therefore able to more effectively respond, if so requested by the Coast Guard's Rescue Coordination Center (RCC) - the branch that is responsible for coordinating all rescue activities. He further knew that the Coast Guard RCC was aware of the *Norasia Alya*'s position and planned movements through the *Norasia Alya*'s most recent AMVER system noon report,<sup>6</sup> and was prepared to divert his vessel in accordance with the program, if the Coast Guard deemed it necessary. Absent any communications from the Coast Guard's RCC directed to the *Norasia Alya*, Captain Kowalewski was justified in his decision not to divert.

Signed,



Capt. Jay Bolton  
14 May 2008

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<sup>4</sup> The Coast Guard Helicopter arrived on scene around 14:30

<sup>5</sup> The *Podravina* and the slower vessel, which he passed in the inbound safety fairway prior to overtaking the *Podravina*.

<sup>6</sup> AMVER - Automated Mutual Assistance Vessel Rescue System - a long standing voluntary program that enables the Coast Guard to determine the location of all participating ships and to therefore divert the most appropriate ship to the scene of a disaster, when it deems it necessary. The *Norasia Alya* was a voluntary participant in this program